

REMARKS

1. The Examiner has rejected claims 1 to 81 as being obvious in light of Sekendur (US 5,852,434) and Hilton (US 5,107,541) in view of a number of other citations. All of the Examiner's objections hinge upon the assertion that the combination of Sekendur and Hilton anticipates independent claims 1, 33 and 65. The Applicant challenges this assertion.

2. In paragraph 15 of the Office Action the Examiner has correctly conceded that:
"Sekendur ... does not explicitly disclose that the coded data is indicative of a signature field relating to the computer software."

However, the Examiner also suggests that:

"It would have been obvious to one of ordinary skill in the art at the time the invention was made to include coded data indicative of a signature field as taught by Hilton in order to allow a user to verify or authenticate a document or action such as a bank transaction such that the signature area is detected as the user is signing the document."

The Applicant responds as follows:

(a) Hilton's "coded data" is not indicative of a signature field:

The Examiner's argument suggests that Hilton teaches "coded data indicative of a signature field." However, the Hilton "coded data" is merely a set of parallel lines. These parallel lines have no way of indicating when the user is writing in a region corresponding to a signature field and when the user is not.

The Hilton lines are there only to indicate (once detected) when the user's pen has crossed a line. The Hilton system cannot determine the x, y co-ordinates of the pen or even which of the lines was crossed. More importantly, the Hilton lines are not indicative in any way of the location or boundaries of a signature region on the cheque.

To illustrate this point, imagine if the Hilton lines were drawn over the entire cheque. In this scenario the Hilton system would not be able to tell whether the user was signing the cheque in the space reserved for their signature or not. Hilton does not disclose any way of making the parallel lines indicative of anything, let alone a signature field.

For these reasons, the parallel lines in Hilton are not "coded data indicative of a signature field" as claimed.

(b) There is no motivation to combine Hilton with Sekendur:

The Sekendur system is able to perform signature verification without the help of Hilton because it can detect the x, y co-ordinates of the path of the pen.

In contrast, the Hilton system is not able to detect the x, y co-ordinates. It can only indicate when the pen has crossed one of the lines.

A person of ordinary skill in the art would have no motivation to combine Hilton with Sekendur because the Hilton system provides less information about the pen's movements than the Sekendur system and the Sekendur system is able to perform signature recognition without the help of Hilton's parallel lines.

(c) Neither Hilton nor Sekendur disclose coded data which is indicative of a signature field:

The Examiner has conceded that Sekendur does not disclose coded data indicative of a signature field. The Applicant has showed in argument 2(a) that Hilton does not disclose such coded data either. Therefore, the combination of Sekendur and Hilton fails to disclose "*coded data indicative of a signature field relating to the computer software*" as claimed.

3. Nevertheless, in order to more clearly distinguish the claimed invention from Hilton and Sekendur the Applicant has voluntarily amended claims 1, 33 and 65.

4. Amended claim 1 is not anticipated by Hilton because Hilton does not disclose:

(a) An interface surface "*having coded data disposed thereon both inside and outside the signature region*":

The Hilton parallel lines appear only in the signature region of the cheque and do not appear on the cheque outside that region.

(b) "coded data ... indicative of its own position relative to the interface surface":

As discussed above, the Hilton system is not able to detect the x, y co-ordinates of the path of the pen relative to the cheque using the parallel lines. The parallel lines are therefore not indicative of their own position relative to the interface surface.

(c) "wherein the coded data located inside the signature region is further indicative of the signature field":

As discussed above, the Hilton parallel lines are not indicative of anything, let alone a signature field.

5. Amended claim 1 is not anticipated by Sekendur because Sekendur does not disclose a system wherein *"all of the coded data is indicative of its own position relative to the interface surface and wherein the coded data located inside the signature region is further indicative of the signature field."* The coded data in the Sekendur system is only ever indicative of the x, y co-ordinates on the page. Each page in the Sekendur system is the same and there is no disclosure of pages being broken into different regions or of coded data within those regions being indicative of those regions.

Sekendur therefore does not disclose any coded data inside a signature region that is indicative of both its own position and of the signature region itself, as is claimed.

6. For these reasons, independent claim 1 is not anticipated by Sekendur in view of Hilton and is therefore novel and inventive. Similar comments apply in relation to independent claims 33 and 65.

7. Since amended claims 1, 33 and 65 are novel and inventive, the Applicant further submits that subsidiary claims 2 to 32, 34 to 64 and 66 to 81 are also novel and inventive in light of the cited prior art.

8. In response to paragraph 2 of the Office Action, the Applicant submits copies of Bennett (US 5,051,736) and Cass (US 5,692,073) with the confirmation copy of this fax.

9. In response to the drawing objection in paragraph 3 of the Office Action, the Applicant submits that Figure 10 shows accelerometers 190 which are "*motion sensing elements*." The drawings therefore show the feature claimed.

10. Claim 39 has been amended to rectify the typographical error identified by Examiner in paragraph 4 of the Office Action.

11. In response to paragraph 5 of the Office Action, claims 17 and 41 have been amended to make them singly dependent on claims 15 and 39 respectively.

12. In response to paragraph 6 of the Office Action, the Applicant submits that although claims 33 and 65 do have a number of similarities, their differences are important from an infringement perspective. That is, one could envisage circumstances in which an alleged infringer would infringe claim 33 but not claim 65 or vice versa. For this reason, the Applicant would prefer to keep both claims on file in order to adequately protect its invention.

13. In response to paragraph 8 of the Office Action, the Applicant directs the Examiner to the discussion of this feature in lines 12 to 17 of page 5 of the specification.

14. In response to paragraph 10 of the Office Action, the Applicant has amended claims 33 and 65 to more clearly show that the features being described are features of the computer system. That is, the computer system is "*configured to receive the indicating data ...*" and it is "*configured to receive the movement data ...*" etc. Since these are characteristics of the computer system and not method steps, the Examiner is requested to reconsider and withdraw this objection.

15. In response to paragraph 11 of the Office Action, the Applicant has amended claims 18, 47, 50 and 76 to change "*sensing means*" to "*sensing device*" as suggested by the Examiner.

16. In response to paragraph 12 of the Office Action, the Applicant has amended claim 74 in order to overcome the antecedence issue raised.

17. The Applicant has not specifically responded to the Examiner's obviousness objections to dependent claims 2 to 32, 34 to 64 and 66 to 81 since it has already argued that independent claims 1, 33 and 65 are not anticipated by the prior art. However, this lack of response should not be taken to be a tacit agreement with the Examiner's analysis of those dependent claims.

CONCLUSION

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,



Applicant:

KIA SILVERBROOK



PAUL LAPSTUN

C/o:

Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email:

Kia.silverbrook@silverbrookresearch.com

Telephone:

+612 9818 6633

Facsimile:

+61 2 9818 6711